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## **APPENDIX A: STATE AGENCIES WITH RESPONSIBILITIES RELATED TO MARINE MANAGED AREAS AND ADJACENT TERRESTRIAL AREAS**

### **RESOURCES AGENCY OF CALIFORNIA**

Created in 1961 in a reorganization of California State government, the Resources Agency (Agency) is one of the so-called "super agencies." The Agency oversees and coordinates the activities and administration of 19 departments, commissions, conservancies and boards, with responsibility for State programs relating to the preservation, management and enhancement of California's natural and cultural resources, including land, wildlife, water, timber, and minerals. The administrative head of the Agency, the Secretary for Resources, serves as a member of the Governor's cabinet. The Secretary is also the Governor's representative on a number of boards and commissions, coordinates State and federal resource management, and supervises departmental fiscal affairs.

The mission of the Agency is to conserve, enhance, and manage California's natural and cultural resources, including land, water, wildlife, parks, minerals, and historic sites.

#### Ocean-Related Responsibilities

Ocean resource management in California largely falls under the authority of two executive branch agencies, the Agency and the California Environmental Protection Agency (Cal/EPA). While the authority to manage the majority of ocean management issues rests with the Agency, Cal/EPA oversees development of ocean water quality standards and regulation of waste discharges to the marine environment.

Pursuant to Assembly Bill 205 (1991), all nonstatutory marine and coastal resource programs were transferred to the Secretary for Resources. The duties transferred include all executive branch delegations regarding review and coordination of federal outer continental shelf (OCS) oil and gas lease sales and development projects, policy coordination of resources and uses in the Exclusive Economic Zone (EEZ), State representation on the Coastal States Organization and the Department of the Interior OCS Policy Committee, and participation in other marine and coastal resource issues.

The Resources Agency Sea Grant Advisory Panel (RASGAP) participates in a funding and priority-setting process for marine research in the State's colleges and universities. The State provides funds for marine research in a federal matching grant process, which seeks to keep California's quality higher education and research institutions in the lead, both statewide and nationally. RASGAP process provides a critical link with academia by identifying current State agency management needs that will benefit from marine research.

Six departments and commissions under Resources Agency purview have jurisdiction in marine managed areas, and carry out important management activities that affect the marine environment.

### ***California Coastal Commission***

The 1976 Coastal Act (Public Resources Code Section 30000 et seq.), enacted by the California State Legislature, established the California Coastal Commission (Coastal Commission) as a permanent State coastal management and regulatory agency. The Coastal Act followed three years of coastal regulation under Proposition 20, the Coastal Initiative, which was enacted by California voters in 1972. The Coastal Commission consists of twelve voting members and three non-voting members. The Governor, the Senate Rules Committee, and the Speaker of the Assembly each appoint four voting commissioners (two public members and two elected officials); the Secretary of the Resources Agency, Secretary of the Business, Transportation and Housing Agency, Secretary of the Trade and Commerce Agency, and the Chairperson of the State Lands Commission are included as non-voting members.

The Coastal Commission is responsible for administering the California Coastal Act and, together with the Bay Conservation and Development Commission (BCDC), for administering the federally approved California Coastal Management Program pursuant to the Coastal Zone Management Act (CZMA). Coastal Act policies implemented by the Coastal Commission address coastal zone issues such as public access and recreation, natural resource protection, marine water quality, kelp harvesting, agricultural operations, coastal development projects, port activities, change in the intensity of use of water or of access thereto, and energy production. The Coastal Commission's regulatory and planning jurisdiction is the 1,100-mile-long coastal zone (outside of the greater San Francisco Bay Area, which is the responsibility of BCDC), encompassing 1.5 million acres of land, and extending three nautical miles out to sea and up to five miles inland from the mean high tide line. A local government may obtain coastal permitting authority if it prepares and adopts a Local Coastal Program (LCP) that is then certified by the Coastal Commission. However, the Coastal Commission retains permanent permit jurisdiction over proposed projects located seaward or immediately adjacent to the shoreline (tidelands, submerged lands, and public trust lands) and permit appeal authority over certain categories of local coastal development permit actions.

The mission of the California Coastal Commission is to plan for and regulate development in the coastal zone consistent with the policies of the California Coastal Act.

### **Ocean-Related Responsibilities**

The Coastal Commission has direct coastal permit authority over all projects in State waters within its jurisdiction. The Commission also has authority over the establishment of marine managed areas in both state and federal waters if the resulting area designation changes public access to and/or use of the marine waters within the boundaries of the area. In addition, the Coastal Commission exercises regulatory control over federal activities in the federal outer continental shelf that affect the State's ocean and coastal resources. Such activities include oil and gas development, deep ocean mineral mining, dredge disposal, dumping of military surplus, and offshore toxic chemical incineration. This consistency authority over federal activities, licenses, and permits is derived from the CZMA.

The Coastal Commission also participates in an effort to reduce the amount of polluted runoff that now reaches California's ocean waters and thus has the potential to adversely impact human health, fish and wildlife, and other aspects of the marine environment. Pursuant to Section 6217 of the CZMA amendments of 1990, the Coastal Commission is working with the State Water Resources Control Board to develop a statewide nonpoint source pollution control plan in cooperation with the U.S. Environmental Protection Agency, the National Oceanographic and Atmospheric Administration, regional water quality control boards, local governments and local land-users. The Commission also has an Oil Spill Program, which works together with the State Department of Fish and Game's Office of Spill Prevention and Response to carry out work to protect against and respond to oil spills on the coast. Other significant areas of Commission jurisdiction include developments within certain California ports, mainly through federal consistency reviews, permits and utilization of the port master plan process, and development of strategies for protection of wetland resources and other environmentally sensitive habitat areas.

The Commission does not directly manage any marine managed areas. However, it has review authority over the establishment of MMAs where public access to and use of such areas is affected, regulates development within marine managed areas in State waters and adjacent terrestrial areas within its jurisdiction, participates in interagency groups that strive to protect marine managed areas, and exercises its federal consistency authority over activities in federally-designated marine managed areas.

The Coastal Act includes policies that require protection of marine and terrestrial resources. Section 30230 directs the Commission to give special protection to areas and species of special biological or economic significance in the *marine environment* (emphasis added). In addition, under the *Land Resources* policies of the Coastal Act, Section 30240 directs the Commission to protect environmentally sensitive habitat areas (ESHAs) from significant disruption of habitat values and degradation (emphasis added). LCPs, Port Master Plans, University Long-Range Development Plans, and Public Works Plans identify ESHAs and include policies to protect them.

### ***California Department of Fish and Game***

The Department of Fish and Game (DFG) is responsible for protecting, managing, enhancing, and restoring fish, wildlife, and native plant resources of California. CDFG's primary responsibility is to manage marine fisheries and enforce associated laws and regulations. DFG's authority over California's living marine resources was established in State law by the California Legislature (Fish and Game Code, Public Resources Code), in State regulations by the California Fish and Game Commission (FGC) (Title 14, California Code of Regulations), and through various federal statutes.

Other State agencies must consult with DFG concerning projects which may affect fish and wildlife resources and their habitat in accordance with State laws such as the California Environmental Quality Act, the California Coastal Act, Porter/Cologne Water Quality Control Act, National Environmental Policy Act, Clean Water Act, and Fish and Wildlife Coordination Act. If necessary, DFG must then provide recommendations to prevent or mitigate adverse impacts upon fish and wildlife.

Article IV, Section 19 of the State Constitution authorizes the Fish and Game Commission (FGC) to set policies for DFG. The Governor appoints its five members to six-year terms. FGC also regulates fishing and hunting under authority granted by the Legislature. Along with FGC, the Wildlife Conservation Board has the authority to investigate and acquire areas such as coastal wetlands, that are most essential and suitable for wildlife propagation and preservation. FGC is the designating agency for the following existing classifications of MMAs: reserves, ecological reserves, and Marine Resources Protection Act ecological reserves.

The mission of the DFG is to manage California's diverse fish, wildlife and plant resources and the habitats upon which they depend for their ecological values and for their use and enjoyment by the public.

#### Ocean-Related Responsibilities

DFG reviews and comments on environmental documents concerning proposed offshore and near shore projects, investigates and assesses the impacts of pollution and toxic spills statewide (including marine waters), manages fisheries in all state waters, conducts biological studies on fish and wildlife, and manages five categories of marine managed areas along the coast.

The Legislature has retained the authority to regulate most commercial marine fisheries, pursuant to Article 1, Section 201 of the Fish and Game Code, while FGC sets regulations for most of the State's recreational fisheries. DFG enforces laws and regulations and participates in the formal consultation for various laws such as the federal Endangered Species Act, Marine Mammal Protection Act, and Magnuson Fishery Conservation and Management Act. Under the Magnuson Act, eight regional fishery management councils manage and regulate U.S. marine, migratory, and salmonid fisheries out to 200 miles. California is a voting member on the 13-member Pacific Fisheries Management Council, which develops Fishery Management Plans (FMP's) for regionally important fisheries. DFG and FGC conform state regulations to approved federal requirements within state waters. DFG is the primary agency or one of the primary agencies with management responsibility for the following existing classifications of MMAs: reserves, ecological reserves, Marine Resources Protection Act ecological reserves, clam refuges, fish refuges, game refuges, and marine life refuges. The latter four types of MMAs at present may only be established by the Legislature.

#### ***California Department of Forestry and Fire Protection***

The California Department of Forestry and Fire Protection (CDF) is responsible for managing fire protection services for wildlands, regulating logging practices, and providing assessments of the State's forest and rangeland resources. Under the Forest Practices Act of 1973, CDF is required to regulate private and State forest activities in a manner that will result in the maximum sustainable yield of high-quality timber products, while maintaining water quality and fish and wildlife populations.

The mission of CDF Protection is to protect the people of California from fires, respond to emergencies, and to protect and enhance forest range and watershed values providing social, economic, and environmental benefits to rural and urban citizens.

#### Ocean Related Responsibilities

Although forestry practices involve predominately land-based activities, CDF has a role in ocean-related policy due to the potential impact of such practices on watersheds and nearshore waters. CDF manages numerous upland forests as well as two coastal forests; the Jackson State Demonstration Forest near Fort Bragg, Mendocino County, and the Soquel State Demonstration Forest of Santa Cruz County.

#### ***California Department of Parks and Recreation***

The mission of the Department of Parks and Recreation (DPR) is to provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality out door recreation. The mission is accomplished primarily through stewardship of the State Park System - a system of management units in the terrestrial, freshwater and marine environments. The State Park System includes 263 park units, 280 miles of coastline and 625 miles of lake and river frontage on over 1.3 million acres. Each unit within the system is classified into one of several management categories. Classification determinations are made by the State Park and Recreation Commission based on the unit's inherent resource values and broad management objectives. Each classification type conveys a special management goal or intent. Typical unit classifications along the coast include State Reserve, State Park, State Beach and State Historic Park.

DPR is guided by general policies of the State Park and Recreation Commission. The Park and Recreation Commission is also responsible for providing long-term recreation policy for the state, determining State Park System unit classifications and approving unit general plans.

#### Ocean-Related Responsibilities

DPR is responsible for acquisition and management of coastal and offshore areas for resource preservation purposes and park and recreational uses. Acquisition priorities for tidal and subtidal lands are identified through a variety of methods, including system wide planning and special studies. The Department's Underwater Parks Master Plan and Underwater Advisory Committee provided direction for several underwater acquisition priorities.

Fourteen State Park System units on the coast include adjacent marine areas (tidal and subtidal lands). Most of these marine areas are leased long-term to DPR from the California State Lands Commission. In one case, Point Lobos State Reserve, the marine area has actually been transferred to the Department. In all, about 10,000 acres of offshore lands are under direct control of DPR through lease or transfer. These tidal and subtidal areas are generally managed as part of the State Park System and under the same rules and regulations that apply to other State Park System lands.

DPR provides visitor use facilities, resource protection, and interpretation and law enforcement for marine areas under its management authority. DPR also conducts marine resource inventory and monitoring activities in leased areas as well as in managed areas identified as potential additions to the State Park System.

The boundary of the majority of State Park System units on the coastline do not extend seaward beyond the mean high tide line. However, DPR is granted some authority to enforce State Park System rules and regulations at these units for a distance up to 1,000 feet seaward of the mean high tide line. Park rules and regulations apply when the use of these areas is in conjunction with use of abutting State Park System lands, and so long as the park rules and regulations being applied are not inconsistent with those of another public agency with authority in the offshore area.

### ***California State Lands Commission***

The California State Lands Commission (CSLC) has jurisdiction over and management responsibility for all of California's tide and submerged lands, the beds of navigable rivers and lakes (sovereign lands), swamp and overflow lands, and school lands (proprietary lands). CSLC is comprised of three members: the Lieutenant Governor, State Controller, and Director of Finance. The Chairman of CSLC is an ex-officio, non-voting member of the California Coastal Commission and the Executive Officer of the CSLC is a voting member of the San Francisco Bay Conservation and Development Commission and the Delta Protection Commission.

The authority of CSLC originates and is exercised from the State's position as landowner. CSLC has statutory authority to approve appropriate uses of State lands under its jurisdiction consistent with the provisions of the Public Trust Doctrine. CSLC maintains title records of all state sovereign and school lands, as well as settling issues of title jurisdiction on behalf of the State.

The mission of CSLC is to serve the people of California by providing stewardship of the lands, waterways, and resources entrusted to its care through economic development, protection, preservation, and restoration.

### ***Ocean-Related Responsibilities***

Management responsibilities of CSLC extend to activities on tide and submerged lands within three nautical miles of shore. These activities include offshore oil and gas development, harbor development and management oversight, and the construction and operation of any offshore facilities or other activities which occur on these lands. Additionally, CSLC is involved in the preservation of cultural resources such as archaeological sites.

Pursuant to CSLC administrative actions and legislative designation of all state tidelands as Coastal Sanctuary, CSLC currently has no ongoing program to lease additional state tidelands for offshore oil and gas. However, CSLC carefully monitors existing offshore oil and gas activities to ensure revenue accountability, efficient resource recovery, and protection of the environment.

Additionally, CSLC has an active and effective program to prevent oil spills from marine oil facilities. Under the Oil Spill Prevention and Response Act of 1990, CSLC is responsible for ensuring that all marine terminals and other oil and gas facilities within the State use the best achievable procedures and methods to prevent accidents and resulting oil spills.

CSLC also considers leases to other government agencies wishing to establish MMAs in State tidelands and submerged lands.

### ***San Francisco Bay Conservation and Development Commission***

The San Francisco Bay Conservation and Development Commission (BCDC) was established by the Legislature in 1965 to develop a plan for managing San Francisco Bay. In 1969, the Legislature amended the McAteer-Petris Act (Government Code Section 66600 et seq.) to make BCDC a permanent state planning and regulatory agency and to incorporate the policies of the San Francisco Bay Plan (Bay Plan) into state law. The Bay Plan contains policies on water quality, public access, fill, dredging, and other uses of the Bay and shoreline.

BCDC also has authority under the federal Coastal Zone Management Act over activities that affect the San Francisco bay segment of the coastal zone (16 USC 1456(c)). Under this authority, federal actions or federally funded or approved actions that affect the San Francisco bay segment of the coastal zone must be consistent with the policies of BCDC's federally-approved coastal management program. BCDC's coastal management program consists of the McAteer-Petris Act, BCDC's regulations, the Bay Plan, the Suisun Marsh Protection Plan, and other plans adopted by BCDC.

BCDC is composed of 27 members, appointed by Bay Area local governments, the Governor, Speaker of the Assembly, Senate Rules Committee, and other federal and State agencies. The mission of BCDC is to protect San Francisco Bay and to encourage the Bay's responsible use.

### ***Ocean-Related Responsibilities***

BCDC is charged with preserving and enhancing the natural resources of San Francisco Bay by assuring that placement of fill in the Bay is limited to the minimum amount necessary for water-oriented uses, and minimizes harmful effects to the Bay, such as the reduction or impairment to water surface area, volume or circulation, water quality, fertility of marshes, fish, or wildlife. BCDC's responsibilities include regulation of all dredging and fill activities in the Bay, regulation of all activities within the shoreline band (defined as a line parallel to and 100 feet inland from the line of highest tidal action), and improving public access to the Bay. To carry out its activities, BCDC follows the policies and guidelines contained in the Bay Plan. BCDC is also charged with carrying out provisions of the Suisun Marsh Preservation Act.

California's McAteer-Petris Act establishes BCDC's powers and responsibilities for regulating shoreline development, recognizes the Bay Plan as the development guide for the area, and requires BCDC to make permit decisions that comply with the Bay Plan. The Bay Plan sets forth policies for shoreline development, public access, dredging and filling and



also designates priority use areas to be reserved for water-oriented purposes (wildlife, water-related industry, parks, airports, and seaports). Seaport facilities are derived from the San Francisco Bay Area Seaport Plan, which forecasts growth of marine cargoes and the need for additional port facilities through 2020, and identifies sites where these needs can be met with minimal harm to the Bay's resources.

Pursuant to the federal Coastal Zone Management Act, BCDC must review federal activities (or federally-authorized or funded activities) in the San Francisco Bay segment of the coastal zone for consistency with BCDC's management plan for the Bay. This includes closure and transfer of ownership of military bases on the Bay that are designated as priority use areas in the Bay Plan. In addition, BCDC is a key participant in the Long Term Management Strategy (to develop a 50-year dredge disposal strategy for the Bay), and the San Francisco Bay Estuary Project.

## **CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

Created in a 1991 reorganization of State government, the California Environmental Protection Agency (Cal/EPA) is one of the so-called "super agencies" which unifies the state's environmental protection authority under a single cabinet-level agency. The administrative head of the Agency, the Secretary for Environmental Protection, provides direction and coordination of many of the State's environmental protection programs. The Agency coordinates the activities and policy direction for the Department of Pesticide Regulation, Department of Toxic Substances Control, and the Office of Environmental Health Hazard Assessment, as well as for various State boards: the Air Resources Board, Integrated Waste Management Board, State Water Resources Control Board, and nine Regional Water Quality Control Boards.

The mission of Cal/EPA is to improve environmental quality in order to protect public health, the welfare of California's citizens, and California's natural resources. Cal/EPA will achieve its mission in an equitable, efficient, and cost-effective manner.

### **Ocean-Related Responsibilities**

While the authority to manage the majority of ocean management issues rests with the California Resources Agency, Cal/EPA oversees development of ocean water quality standards and regulation of waste discharges to the marine environment.

### ***State Water Resources Control Board***

The State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCBs) establish California's water quality standards pursuant to the requirements of the state's Porter-Cologne Water Quality Control Act and the federal Clean Water Act. The SWRCB and RWQCBs are the principal state agencies with primary responsibility for coordination and control of water quality. Water quality control is defined as the regulation of any activity or factor which may affect the quality of waters of the state and includes the prevention and correction of water pollution and nuisance. This authority includes the regulation of waste discharges to state waters.

### **Ocean-Related Responsibilities**

SWRCB has developed a series of statewide and regional water quality control plans to set water quality standards for California. These include the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (Thermal Plan), the Ocean Plan, and the individual basin plans. The Ocean Plan was originally adopted in 1972 and undergoes a triennial review and amendment process. The Ocean Plan presents water quality objectives and establishes the basis for the regulation of waste discharges under the National Pollution Discharge Elimination System (NPDES) program and permitting process. SWRCB is responsible for adopting the Ocean Plan and RWQCBs are responsible for interpretation and implementation of the Plan through issuance of NPDES permits and follow up enforcement activity.

The California Ocean Plan (Ocean Plan) identifies beneficial uses of marine waters that can be maintained through water quality control and establishes a set of narrative and numerical water quality objectives to protect these uses. The beneficial uses identified in the Ocean Plan are listed as follows: "industrial water supply, water contact and non-contact recreation, including aesthetic enjoyment, navigation, commercial and sport fishing, mariculture, preservation and enhancement of Areas of Special Biological Significance, rare and endangered species, marine habitat, fish migration, fish spawning and shellfish harvesting." SWRCB has designated 34 Areas of Special Biological Significance. Waste discharges to these areas are prohibited.

Pursuant to Section 6217 of the 1990 Coastal Zone Management Act amendments, the SWRCB, along with the California Coastal Commission, is participating in the development of a statewide nonpoint source pollution control plan in cooperation with the U.S. Environmental Protection Agency, the National Oceanographic and Atmospheric Administration, and local land users. This effort is intended to reduce the amount of polluted runoff that now reaches California's ocean waters and potentially impacts human health, fish, wildlife, and other aspects of the ocean and coastal environment.

## UNIVERSITY OF CALIFORNIA

The mission of the University of California Natural Reserve System is to contribute to the understanding and wise management of the Earth and its natural systems by supporting university-level teaching, research, and public service at protected natural areas throughout California. Established by the UC Regents in 1965, the Natural Reserve System (NRS) is housed within the Division of Agriculture and Natural Resources in the Office of the President. UC Natural Reserves have been designated to protect sites representative of California's rich ecological diversity to support the NRS and University missions. Each of the 33 Reserves is assigned to one of nine UC campuses, with support from both the campus and the NRS Systemwide office. Together the Natural Reserves comprise over 120,000 acres, representing cross sections of California's diverse natural habitats.

### Ocean-Related Responsibilities

Ten of the UC Natural Reserves are coastal sites containing intertidal components. One (Scripps Coastal Reserve) contains a coastal subtidal component, and this Natural Reserve and two others (Bodega Marine Reserve and Landels-Hill Big Creek Reserve) are closely associated with adjacent subtidal protected areas that restrict harvest to promote University research and teaching. Restrictions for UC Natural Reserves are developed on a case-by-case basis in order to meet the NRS mission. In most cases site-specific regulations reflect the need to protect resources and the integrity of research projects at the site from negative impacts, including those from harvest.